CENTER for BIOLOGICAL DIVERSITY
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*protecting and restoring natural ecosystems and imperiled species through science, education, policy, and environmental law*

***via electronic and US mail***

November 19, 2008

California Energy Commission
Attention: Clare Laufenberg Gallardo
1516 Ninth Street, MS 46
Sacramento, CA 95814
claufenb@energy.state.ca.us

Dear Ms. Laufenberg Gallardo,

The Center for Biological Diversity ("the Center") submits the following comments in response to the Renewable Energy Transmission Initiative RETI Phase 1B – Executive Summary, Draft Report - November 2008. The Center is a non-profit public interest conservation organization dedicated to the protection of native species and their habitats through science, policy and environmental law. The Center has over 60,000 members - many of whom live in the western states including California. These comments are submitted on behalf of our members, staff and members of the public with an interest in renewable energy and its appropriate siting.

The Center has participated in the RETI Environmental Working Group (EWG). We have also shared numerous Geographic Information System (GIS) layers of data on rare resources that occur in the California deserts with the California Energy Commission. We have provided scientific articles on issues of biological importance and renewable energy to the environmental representatives on the Stakeholder Steering Committee. We have provided comments on both the Phase 1A report, and the previous Draft Phase 1B report, which we incorporate by reference. We appreciate the opportunity to comment on this draft Phase 1B report.

Global climate change is one of the greatest challenges facing California and the planet. Significant changes in habitats will occur because of impacts of climate change caused by greenhouse gas emissions, further threatening already rare and endangered species.

The transition to renewable energy supplies is critical to achieving the reductions in greenhouse gas emissions in the California, the nation, and the world. The Center strongly supports renewable energy development as part of the solution to reduce greenhouse gas emissions, and strongly supports an ambitious and increasing renewable portfolio standard (RPS), along with measures to increase energy conservation in every sector. However, we believe a comprehensive renewable energy development plan must include measures that remove carbon emitting sources (like coal plants) as new renewable power generation comes on line; locate production near the



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end-use consumption; continue to develop improved renewable energy technologies; and prioritize industrial-scale renewable energy production on previously developed lands over undisturbed lands.

We also recognize that elimination of large amounts of the remaining intact habitat in California for industrial-scale renewable energy installations could also threaten already rare and endangered species. Therefore, our goal is to ensure that, to the extent possible, siting conflicts are avoided or minimized between the renewable energy projects and the rare and endangered resources that occur in California, particularly in the California deserts where most of the Competitive Renewable Energy Zones (CREZs) are proposed. We believe that this goal is attainable with a careful and thorough evaluation of the resources on the landscape and the thoughtful siting of proposed CREZs, transmission lines, and other associated infrastructure. With that goal in mind, we offer the following comments on the draft Phase 1B report document.

**Mapping Improvements**

Because this document relates to actions that will affect on-the-ground resources, it is essential that the accompanying maps provide adequate information for decision makers and the public to assess the proposal. Unfortunately, the maps included with the draft report do not. By providing only transmission lines and the proposed CREZ, it is impossible to accurately identify the location of the proposed CREZ on the landscape. Accurate and detailed mapping is critical for analyses of and comments on the proposal. In order to inform the public, however, the final report document should include a series of much more useful maps. The Center requested and received a GIS layer of the proposed CREZ locations from the contractor, and we were then able to overlay the proposed CREZ and utility line information with other existing mapping. The results inform our comments below.

In addition, some of the locations of proposed sub-CREZ identified in Figure ES-1 (at pg. ES-8) are not identifiable on the maps. For instance Victorville A and B are not identified on the Resource Map Southeast CA. As a result, evaluating the actual location of the proposed sub-CREZ is impossible. Also in Figure ES-1, several of the proposed CREZ are identified as A or B, and that designation is not apparent on the maps. For example, Imperial N. -A is identified as the most economically feasible and least environmentally damaging proposed CREZ, but it is unclear on Resource Map Salton Sea/SD exactly what part of the Imperial North proposed CREZ that is or if it is actually all of it.

**Independent Analysis of Siting**

The Phase 1B report bases its analysis on pre-identified projects (including applications to the Bureau of Land Management [BLM], contracts for energy sales, responses to request for information, and military interests (at pages 6-11 through 12)) and proxy projects defined as "candidate land parcels without demonstrated development interest" (at page 6-12). However, in order to accurately identify areas where proposed CREZs would reduce conflicts between rare resources and development, the analysis must begin by identifying the geographic distributions

of biological resources and then subsequently evaluate the ability of those lands without such resource conflicts to support large-scale renewable energy in a cost-effective manner. By using the pre-identified and proxy projects as a basis for the analysis, the results are skewed to accommodate those projects into the proposed CREZs, resulting in proposed CREZ designations that do, in fact, impact rare and endangered resources. In other words, the environmental "exclusion screens" should be the first step in the analysis, not the presence of pre-identified and proxy projects. The pre-identified and proxy projects should then be evaluated for their consistency with the proposed CREZs with the goal of minimizing development in areas that have rare and endangered resource conflicts.

The process used undermines rational planning. For example, by including and focusing on the pre-identified and proxy projects the proposed CREZs in the report increase fragmentation of the landscape not only from the projects themselves, but also from the additional transmission lines that would ostensibly be needed to move the energy to the existing grid. Because habitat fragmentation affects numerous ecological processes across multiple spatial and temporal scales, including changes in abiotic regimes, shifts in habitat use, altered population dynamics, and changes in species compositions (Schweiger et al. 2000), limiting fragmentation is essential to maintain functioning habitats, both within and outside of the CREZ. Some of the proposed CREZ cover long linear expanses that end up connecting two different existing energy corridors (e.g., Iron Mountain CREZ), creating unnecessary fragmentation, and these configurations need to be rethought to reduce fragmentation.

In order to achieve the goals of providing sufficient CREZs *and* avoiding or minimizing impacts to rare and endangered resources, the proposed CREZs should look at clustering the renewable energy areas around existing energy corridors instead of creating a series of tentacle-like extensions to each pre-identified and proxy project area. Minimizing the edge-to-area ratio of the proposed CREZs would help to minimize fragmentation of the landscape.

**CREZ Locations Incompatible with Current Land Use Designations**

Several of the proposed CREZ occur within federally designated critical habitat, Areas of Critical Environmental Concern (including Desert Wildlife Management Areas [DWMAs]) that are established for rare species conservation, wilderness study areas, national park system lands and federally designated wilderness. These proposed CREZ are inappropriately designated for the following reasons:

- Future projects in CREZ in critical habitat for endangered or threatened species may prove unmitigable, simply because there is not enough high quality habitat acreage that could be acquired outside of these areas to offset the impacts to critical habitat. Many of the identified CREZ are located within or partially within designated critical habitat for desert tortoise and other species.
- Many of the DWMAs and other conservation areas on public lands managed by BLM have a 1% development cap, and a single future renewable energy project could potentially meet or exceed the 1% development cap in some of these areas. As with critical habitat, it may prove impossible to mitigate even those impacts on less than 1% of

these lands due to the lack of available high quality habitat available for conservation outside of the DWMAs or conservation areas.

- The wilderness study areas are to be managed for wilderness values by the BLM until their status changes. The San Bernardino-Baker CREZ goes right through the Kingston Range Wilderness Study Area.
- The National Parks System lands cannot be used for industrial development, yet the Mountain Pass CREZ is identified over Mojave National Preserve lands, including lands that are critical habitat for the desert tortoise.
- Federally designated wilderness also cannot be used for industrial development, yet proposed CREZs are located on wilderness. For example, the Mountain Pass and the San Bernardino- Baker CREZ both include Wilderness areas: the Mountain Pass crosses designated Wilderness in the Mojave National Preserve and the San Bernardino-Baker CREZ crosses the Hollow Hills Wilderness.

It is inappropriate that any CREZ should be located within critical habitat or areas of critical environmental concern (including DWMAs and conservation areas), based on the reality of current land management plans and the inability to adequately mitigate impacts. It is unacceptable for the proposed CREZs to include national parks lands, federally designated wilderness areas or wilderness study areas.

**All Available Data Needs to be Incorporated**

*Rare resources*

As participants in the EWG, the Center continues to be dismayed that not all of the available biological data were used in evaluating the proposed CREZ. BLM planning efforts had accumulated significant amounts of information to inform the decision making processes for their land management plans (West Mojave Plan, Northern and Eastern Mojave Plan, Northern and Eastern Colorado Plan, Western Colorado Plan and the Eastern San Diego Management Plan) on the biological resources in the desert. In addition, data from U.S. Fish and Wildlife Service (line-distance sampling for desert tortoise densities for instance), Department of Fish and Game (including the California Natural Diversity Data Base, the California Wildlife Habitat Relationships, Biological Information and Observation System, California Wildlife Action Plan) need to be included in the "environmental screens" and applied to planning process for the proposed CREZs.

Rare species were inaccurately evaluated in the draft Phase 1B Report because only presence of a rare species was included in the analysis not the *number of occurrences* of the rare species. Thus, an area with a very small population or few occurrences of a rare species was treated the same as an area with many occurrences or a higher population of a rare species. While we recognize that each data set has limitations, the process should fully utilize available data on rare resources. Failing to include available data shortchanges the process. The data analysis also failed to include a regional context of the species occurrences. For example, all or most occurrences of a single species may occur within a proposed CREZ(s), but because it may be the only rare species that occurs there, the "environmental screen" used in the draft Phase 1B report would identify that proposed CREZ(s) as not having a high biological value. In fact, that single

proposed CREZ could jeopardize the species' very existence. For example, some rare plants that are not listed under State or Federal Endangered Species Act protection but are recognized as California Native Plant Society Category 1b species or federal or state species of concern are particularly vulnerable to this scenario. A regional analysis of the effects of the CREZ designation on these localized endemic species can preclude catastrophic impacts.

We recognize the urgency of the need to reduce greenhouse gas emissions and to facilitate development of the vast amounts of renewable energy that is will be needed to replace other sources, however, rational planning will expedite the process of development while irrational and poorly thought through planning, such as is evident in the draft Phase 1B report will ultimately undermine development. It is inappropriate, and ultimately counter-productive, to disregarding known data sets and to fail to include and analyze these data regarding rare and endangered resources simply to fast-track the process.

*Net-gain/loss in Greenhouse Gas Reduction*

Desert lands in the Mojave are $CO_2$ sinks; intact desert ecosystems have been shown to uptake significant amounts of $CO_2$ (Wohlfardt et. al. 2008). Because the solar projects in particular will be eliminating large areas of vegetation, the CREZs must be located in those areas where renewable energy development will result in a net reduction in greenhouse gas emissions. This analysis would be applicable primarily on undisturbed lands, where native vegetation is providing this important ecosystem function for free, as well as providing a variety of other ecosystem services.

**Sunrise Powerlink/Greenpath North**

The document prematurely includes the proposed Sunrise Powerlink and Greenpath North projects as existing projects. In the case of the Sunrise Powerlink, the Public Utilities Commission has not made a decision on whether to approve the project. These Greenpath North has no public review document available, so decisions on that project are in the future. Because of both of these projects' uncertain future, the document should not assume at the outset that they will be built as proposed.

**Cumulative Impacts Need to be Evaluated**

The important issue of cumulative impacts is simply not addressed in this document. In order to inform decision makers and the public of the effects of these projects; at a minimum, an overall evaluation of the amount and types of areas with potential to be developed into renewable energy projects must be addressed. Renewable energy projects are not the only proposed developments in the California deserts, however, and this planning effort should not occur in a vacuum but instead must include an evaluation of cumulative impacts along with other relevant projects. For instance, the proposed 29 Palms Marine Corps Base expansion directly affects at least three proposed CREZs – the San Bernardino-Lucerne, Pisgah and Iron Mountain.

**Assurances that Transmission Lines Move Renewable Energy Only**

In order to ensure that transmission development in the CREZs achieves the goal of encouraging and facilitating renewable energy production, any line built into CREZs must have conditions placed on it to ensure the line is used exclusively for renewable energy. Failure to require the lines to exclusively carry renewable energy will fail to meet RETI objectives.

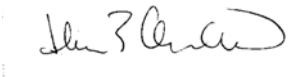
**Appropriate CREZ Selection**

A number of the CREZs in the current proposal appear to be generally well placed, because they appear to occur on already disturbed lands and do not impact rare and endangered species and their habitats. These include Fairmont, and parts of Tehachapi, Kramer, San Bernardino-Lucerne, Victorville, Imperial North and others. We encourage refining these areas and focusing on developing more clustered, less "tentacled" CREZs outside of known sensitive resource areas.

**Conclusion**

We appreciate this opportunity to comment on this important effort. We sincerely hope that these comments will assist the RETI in developing a CREZ process that protects California's internationally renowned wildlife, habitat, and natural areas while moving forward on this important effort to address the impacts of global climate change. If you have any questions about these comments, please feel free to contact me at 323-654-5943 or ianderson@biologicaldiversity.org . We look forward to continuing to work with the RETI process to achieve species conservation and reduction in greenhouse gases.

Best regards,



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